IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

CRP.No. 186 of 2007()

OPEA.88/2002 of ADDL.D.C.,ALAPPUZHA.

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REVISION PETITIONER/RESPONDENT

POWER GRID CORPORATION OF INDIA LTD,
NANGIARKULANGARA, HARIPAD, REPRESENTED BY ITS
MANAGING DIRECTOR.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT/PETITIONER

MOHANDAS, KALLUVILA KIZHAKKATHIL,
VALLIKUNNAM MURI & VILLAGE.

BY ADV. SRI.PHILIP M.VARUGHESE

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.186 of 2007

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Dated this the 28th day of November, 2007.

ORDER

This revision petition is preferred against the order of the Additional District Judge, Alappuzha in O.P.(E.A.)No.88 of 2002. By the award, the court has awarded enhanced amount of Rs.18,000/-. It is against that decision the revision is preferred. Respondent is served and has entered appearance through court.

2. A perusal of the award, paragraph 8 would show that diminution has been claimed in respect of 22 cents. The court in its discussion found that from the details of the trees cut it will also appear that the line was drawn almost covering 1/3rd of the property. But the court took 15 cents as the affected area. It does not appear to be correct for the reason that 1/3rd of 22 cents will be only 7.3 cents. It is submitted by the revision petitioner that the value per cent shown is excessive. The court has fixed only Rs.4,000/- per cent, which cannot be considered to

be an excess amount. The court also held that the materials on record have been taken into consideration to fix the value at Rs.4,000/- per cent. If an extent of 7.3 cents is taken as the affected area and Rs.4,000/- per cent is taken as the value and suppose 30% is taken for calculating the amount, then it will come to Rs.8,760/- instead of Rs.18,000/-.

3. Therefore, the Civil Revision Petition is partly allowed and the amount is reduced from Rs.18,000/- to Rs.8760/- and the rate of interest, etc. passed by the court below shall remain unchanged. The revision petitioner is directed to deposit the amount if not already deposited, within a period of six weeks from today.

M.N.Krishnan,
Judge.

ess 28/11